

REMARKS

Claim Amendments

Claim 21 had been amended and new claims 42-51 have been added. Support for claim 21 amendment is found inter alia at paragraphs 59 and 149-151. Support for claims 42-45 is found throughout the specification and at paragraphs 153-161. Support for claim 46 is found throughout the specification and at paragraph 189. Support for claim 47 is found inter alia at paragraph 106. Support for claims 48-50 is found at Table 6. Support for claim 51 is throughout the specification and at paragraph 189. Support for claims 52-56 is throughout the specification and at paragraphs 129 and 186. Accordingly, no new matter is added. Applicants respectfully submit that these new claims would have been listed in the group of claims in the previous restriction requirement and accordingly respectfully request entry and examination of these claims.

Sequence Listing Requirements and Amendments to the Specification

The Examiner has noted that the sequence listing and the specification needed amendment to add missing SEQ ID numbers. Applicants submit that the above amendments to the specification and the enclosed substitute sequence listing and diskette comply with the requirements of 37 C.F.R. §§ 1.821-1.825, and further add no new matter. Accordingly, applicants request entry of the substitute sequence listing.

Oath/Declaration

The Examiner has noted that the oath/declaration is defective as it includes handwritten changes that are not initialed and dated. Applicants herewith submit a new Oath/Declaration to comply with 37 C.F.R. § 1.67(a) and 1.52(c).

The Abstract

The Examiner has objected to the abstract as it exceeds 150 words. Applicants submit that the substitute abstract is now less than 150 words.

Claim rejections**Rejection of claim 21 under 35 U.S.C. 112, second paragraph**

The Examiner has rejected claim 21 for being indefinite for using the language "enhanced binding characteristics," "first hypervariable region," "construct thereof," and "a construct of a fragment." The present claim amendment renders this ground of rejection moot and accordingly, applicants respectfully request withdrawal of this rejection.

Rejection of claim 21 under 35 U.S.C. 112, first paragraph

The Examiner has rejected claim 21 as not enabled. The present claim amendment has defined the heavy variable chain as comprising a CDR3, CDR2 and CDR1 having SEQ ID NO:8, 115, and 114, respectively. Applicants submit that the present claim amendment renders this ground of rejection moot and accordingly, applicants respectfully request withdrawal of this rejection.

Provisional double patenting rejection over claim 29 of co-pending Application No: 10/029,988

The Examiner has provisionally rejected claim 21 over claim 29 of co-pending Application No: 10/029,988. Applicants respectfully submit that since no claims have yet been allowed, this rejection is not timely and should be withdrawn. Once the co-pending application issues, if necessary at that time, a terminal disclaimer will be filed in the appropriate application.

CONCLUSION

Applicant respectfully requests entry of the present Response and consideration of the above-identified application on the merits. It is believed that the application is in condition for allowance and such action is earnestly requested. If the Examiner wishes to discuss the present application, the Examiner is respectfully invited to contact the undersigned. The Office is authorized to charge any fees or credit any refunds due to Kenyon & Kenyon's Deposit Account No: 11-0600.

Respectfully submitted,

KENYON & KENYON

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